



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,903	07/01/1999	FREDERIC P. MESSINGER	CIS-1212	1807

21005 7590 10/01/2002

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/345,903

Applicant(s)

MESSINGER ET AL.

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Pre Amendment filed 07/08/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Applicant's Amendment filed 07/08/02 has been entered and carefully considered. Claims 1 and 12 have been amended. Limitations of amended claims have not been bound to be patentable over prior art of record, therefore, claims 1-22 are rejected under the same ground of rejection as set forth in the Office Action mailed (04/24/02).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel et al.[US. 6,211,874] in view of Johnson et al. [US. 4,648,062].

As to claims 1 and 12, Himmel et al. discloses a graphical user interface window through which a plurality of tasks are accomplished, said window having a plurality of selectable graphical areas (column 3, lines 33-39 and column 8, lines 23-36), a list of task indications coupled to said window, each task having an associated task indication (figure 5D, column 3, lines 51-64 and column 8, lines 45-55). The difference between Himmel et al. and the claim are a graphical overlay coupled to the window, wherein the overlay is positioned over the window; for each task indication, a sequence of instructions is displayed in the graphical overlay, each instruction directing attention to a respective selectable graphical area and a selector coupled to said window to allow the end user to select tasks and selectable graphical areas,

wherein after selecting a task, the end user employs the selector to interact with at least one selectable graphical area in response to at least one instruction, displayed in the graphical overlay in a manner directing the end user's attention to a respective selectable graphical area, wherein the graphical overlay provides a next instruction in the sequence of instruction in response to the end user's interaction with the selectable graphical areas in the window, and wherein the end user learns a sequence associated with a task through actively interfacing with said window. Johnson et al. shows a graphical overlay coupled to said window, wherein said overlay is positioned on top of said window. Johnson et al. cites "The method displays the selected panel as an overlay on the existing screen at the time the Command Help request is entered into the system (see abstract) and "The position of the Help Panel overlay or window on the screen where command(s) are being entered (see column 5, lines 47-57); for each task indication, a sequence of instruction is displayed in the graphical overlay (Figure 2, column 5, lines 15-29) and a selector coupled to said window to allow the end user to select tasks and selectable graphical areas and after selecting a task, the selector selects selectable graphical areas in response to the sequence of instructions, the end user learns a sequence associated with a task through actively interfacing with said window (column 5, line 52 through column 6, line 6). While Johnson teaches the selectable graphical area and the graphical overlay provides a next instruction in the sequence of instruction (figure 2, column 5, lines 15-29), Himmel shows the end user's interaction with the selectable graphical areas in the window (figure 5D, (118), column 12-36). It would

have been obvious to one of ordinary skill in the art, having the teachings of Himmel et al. and Johnson et al. before them at the time the invention was made to modify the graphical user interface window taught by Himmel et al. to include the graphical overlay coupled to the window of Johnson et al., in order to providing a display of Help information to the operator in three different levels which are selectable by the operator, as taught by Johnson et al.

As to claims 2 and 13, Himmel et al. shows the list of task indications dynamically changes as a function of the selectable graphical areas being displayed in said graphical user interface window (column 6, lines 35-53).

As to claims 3 and 14, Himmel et al. also shows the list of task indications is capable of being positioned apart from said graphical user interface window with which it is coupled (figure 5D, column 8, lines 37-55).

As to claims 4 and 15, Himmel et al. demonstrates the tasks displayed in said list of task indications is a function of a mode setting, wherein a mode setting contains at least

one setting including a beginner, an intermediate, and an advanced mode setting (column 7, lines 46-65 and column 8, lines 1-9).

As to claims 5 and 16, Himmel et al. teaches the computer controls a system wherein the tasks displayed in said list of task indications are user-privilege specific (column 7, lines 18-36 and column 8, lines 45-55).

As to claims 6 and 17, Himmel et al. discloses the system is a data communication network (column 5, lines 50-67).

As to claims 7 and 18, Johnson et al. also discloses the list of task indications are replaced by a list of task step indications, and wherein each task step is coupled to a respective sequence instruction, wherein each associated task step indication is highlighted in sequence with a respective instruction being displayed (column 5, lines 30-46).

As to claims 8 and 19, Johnson et al. teaches the graphical overlay is invisible other than the instruction being displayed (column 5, lines 47-57 and column 6, lines 1-6).

As to claims 9 and 20, Johnson et al. also teaches the instruction being displayed includes an information box including at least one of: recommended input, required input, example input, subsequence list, and a description of what to expect next (column 2, lines 14-34 and column 6, lines 1-6).

As to claims 10 and 21, Johnson et al. demonstrates the recorded voice files or a text-to-speech synthesizer coupled to the sequence of instructions, wherein the instruction being displayed is simultaneously presented audibly (column 1, lines 1-30).

As to claims 11 and 22, Johnson et al. also demonstrates the selection of one or more selectable graphical areas in a sequence before selecting a task automatically highlights a list of possible tasks being performed (column 5, lines 30-46).

### ***Response to Arguments***

Applicant has argued that Johnson et al. does not teach "a next instruction in the sequence of instructions in response to the end user's interaction with the selectable graphical areas in the window". However, The Examiner does not agree. Johnson et

al. shows the sequence of instructions on figure 2. On figure 2, "Select one item from each group" is the first instruction step of the sequence and "End will eliminate this help window" is the second instruction step of the sequence. Applicant's attention is also directed to column 5, lines 15-29. Johnson et al. cites that "The panel displays two allowable commands with a short explanation of each command function.

Instructional information is also provided at the top of the panel, advising the operator to "select <sup>one</sup> ~~an~~ command, " and press Enter to execute the correct command or request <sup>KL</sup> <sub>9/02</sub> Help to see the Parameters that are associated with that command....The panel also advises the operator that selection <sup>of</sup> <sub>^</sub> END will eliminate the Help Panel from the screen and return the system to the point it was at previous to the Help request". It is clearly that Johnson et al. teaches the sequence of instructions. Also, Himmel shows the end user's interaction at figure 5D, (118), column 12-36. The pop up window (118) shows elements that depend on what the end users click. Therefore, the pop up window is not static. It shows different instructions when users click different things. In the combination of Johnson and Himmel, they teach the next instruction in the sequence of instructions in response to the end user's interaction with the selectable graphical areas in the window.

### **Conclusion**

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for

Official communications, or (703) 746-7240 for Non-Official or draft communications.

NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications.

For after final responses, please label "AFTER FINAL" or "EXPEDITED  
PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Mylinh Tran whose telephone number is (703) 308-  
1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to  
6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner  
's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application  
file. PTO employees do not engage in Internet communications where there exists a  
possibility that sensitive information could be identified or exchanged unless the  
record includes a properly signed express waiver of the confidentiality requirements  
of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy  
published in the Official Gazette of the Patent and Trademark on February 25, 1997  
at 1195 OG 89.



Art Unit: 2174

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100